

**INCIDENT REPORT**

<b>Group#:</b> <u>N/A</u>	<b>Type:</b> <u>Inmate Involved</u>	<b>Incident Date:</b> <u>10/09/2004</u>	<b>Time:</b> <u>16:30</u>	<b>Confidential:</b> <u>No</u>
<b>Facility:</b> <u>DCC Delaware Correctional Center</u>			<b>Followup Required:</b> <u>No</u>	
<b>Associated Disciplinary Report #(s):</b> <u>1013445</u>				
<b>Incident Location:</b> <u>Bldg. 18 C Tier</u>				
<b>Location Description:</b>				
<b>Violated Conditions:</b> <u>1.04/200.209 Damage or Destruction of Property (Over \$10)</u>				
<u>1.06/200.203 Disorderly or Threatening Behavior</u>				
<u>2.03/200.106 Creating a Health, Safety or Fire Hazard</u>				
<u>2.06/200.108 Failing to Obey an Order</u>				
<b>Description of Incident:</b>				
On the above date and approximate time while C-tier in BLDG. #18 was being fed, after inmate Kevin Brathwaite 00315294 had been handed his food tray in CL3, inmate Brathwaite took his food tray and threw it against his cells' door window causing food to become stuck between the windows' screen and outer pexi-glass portion of the window. Brathwaite also threw food on the floor and walls of his isolation cell. Also when the food trays were being collected, inmate Brathwaite refused to hand over his tray. At this time it was also noted by C/O Victor Gonzalez that inmate Brathwaite had also damaged his mattress by ripping portions of foam of the mattress. Inmate Brathwaite had to be removed from his cell by staff and the cell was cleaned by staff. It took staff about a half hour to hose, scrub and mop out the cell. Inmate Brathwaite was seen by medical due to complaints of his shoulder being dislocated and sore ribs. Brathwaite seen by Nure Holly Furne and Nurse Kira Hargan and then returned to his isolation cell in CL3.				
<b>Injured Persons</b>	<b>Hospitalized</b>	<b>Nature Of Injuries</b>		
N/A	N/A	N/A		
<b>Evidence Type:</b> <u>N/A</u>		<b>Date Collected:</b> <u>N/A</u>		
<b>Discovered By:</b> <u>N/A</u>		<b>Secured By:</b> <u>N/A</u>		
<b>Type of Force Used:</b> <input type="checkbox"/> PHYSICAL <input type="checkbox"/> CHEMICAL <input type="checkbox"/> STUN <input type="checkbox"/> OTHER <input type="checkbox"/> CAPSTUN <input checked="" type="checkbox"/> NONE				
<b>Restraints Used</b> : handcuffs and leg shackles				
<b>Immediate Action Taken:</b>				
Brathwaite referred to disciplinary hearing.				
<b>Individuals Involved</b>				
<b>Person Code</b>	<b>Name</b>	<b>SBI#</b>	<b>Title</b>	
Staff	Victor, Gonzalez	N/A	Correctional Officer	
Inmate	Kevin, Brathwaite C	00315294	N/A	
Staff	Marcello, Rispoli T	N/A	Staff Lt./Lt	
Staff	Robert, Wallace J	N/A	CO Corporal/Sgt. - Large Inst.	
Staff	Kira, Hargan	N/A	Contractors - Medical	
Staff	Holly, Furne	N/A	Contractors - Medical	
<b>Reporting Officer:</b> <u>Gonzalez, Victor (Correctional Officer)</u>		<b>Entered By:</b> <u>Gonzalez, Victor (Correctional Officer)</u>		
<b>Approval Information</b>				
<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved <b>Date:</b> <u>10/09/2004</u> <b>Approved by:</b> <u>Mccreanor, Michael (Shift Commander - Large Inst.)</u>				
<b>Comments:</b> Medical states that I/M Brathwaite's medical complaint is unfounded.				

Exh. D-1

Phone No. 302-653-9261

**DISCIPLINARY REPORT**Disciplinary Type: Class1Housing Unit: Bldg.18IR#: 1016344

SBI#	Inmate Name	Inst. Name	Location Of Incident	Date	Time
00315294	Brathwaite, Kevin C	DCC	Bldg.18 C Tier	10/09/2004	16:30

Violations: 1.04/200.209 Damage or Destruction of Property (Over \$10), 1.06/200.203 Disorderly or Threatening Behavior,  
2.03/200.106 Creating a Health, Safety or Fire Hazard, 2.06/200.108 Failing to Obey an Order

Witnesses: 1. N/A2. N/A3. N/A**Description of Alleged Violation(s)**

On The Above Date And Approximate Time While C-Tier In Bldg. #18 Was Being Fed, After Inmate Brathwaite Had Been Handed H Food Tray In Isolation Cell C13 Inmate Brathwaite Took His Food Tray And Threw It Against His Cells' Door Window Causing Food T Become Stuck Between The Windows' Screen And Outer Plexi-Glass Portion Of The Window. Brathwaite Also Threw Food All Ove His Floor And Walls. When The Food Tray Were Being Collected Inmate Brathwaite Refused To Hand Over His Tray. At This Time Was Also Noted By C/O Victor Gonzalez That Inmate Brathwaite Had Also Damaged His Mattress By Ripping Portions Of Foam Of Th Mattress. Inmate Brathwaite Had To Be Removed From His Cell By Staff. C13 Was Then Cleaned By Staff. It Took Staff About 3 Minutes To Hose, Scrub And Mop C13. Brathwaite Returned To His Cell In C13.

Reporting Officer: Gonzalez, Victor (Correctional Officer)**Immediate Action Taken**Immediate action taken by: Gonzalez, Victor -Correctional Officer

Referred To Disciplinary Hearing.

**Offender Disposition Details**Disposition: N/ADate: N/ATime: N/ACell secured? NoReason: N/ADisposition Of Evidence: N/A**Approval Information**Approved: ☒Disapproved: ☐Approved By: McCreanor, Michael (Shift Commander - Large Inst.)Comments: N/A**Shift Supervisor Details**

Date Received:

Time:

Received From:    

Shift Supervisor Determination:

- ☐ Upon reviewing this Disciplinary Report, I conclude that the offense may be properly responded to by an immediate revocation of the following privileges(see reverse side) for \_\_\_\_\_ hours not to exceed 24 hours)
- ☒ Upon reviewing this Disciplinary Report, I conclude that the offense would be properly responded to by Disciplinary Hearing.

McCreanor, Michael (Shift Commander - Large Inst.)

I have received a copy of this notice on DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ and have been informed of my rights to have a hearing and to present evidence on my own behalf. I understand, if found guilty, I will be subject to imposition of sanctions outlined in the Rules of conduct.

Preliminary Hearing  
Officer: \_\_\_\_\_

Offender: \_\_\_\_\_

Brathwaite, Kevin C

Encl. D-2